

Remarks/Arguments:

Claims 1-34 are pending and rejected in the application. No claims have been amended. No new matter has been added.

On page 3, the Official Action rejects claims 1, 7, 14-16, 18-20 and 34 under 35 U.S.C. §103(a) as being unpatentable over Takusagawa (U.S. 2003/0225892) in view of Dommety (U.S. 7,512,088) and further in view of Funato (U.S. 2003/0087646). It is respectfully submitted, however, that the claims are patentable over the art of record for at least the reasons set forth below.

Applicants' invention, as recited by claim 1, includes features which are neither disclosed nor suggested by the art of record, namely:

... determining by the mobile communication apparatus whether the source access router apparatus ... complies with fast mobile IP ...

... when the mobile communication apparatus determines that the source access router apparatus does not comply with the Fast Mobile IP ... instructs the home agent apparatus to forward data addressed to the mobile communication apparatus to the destination access router apparatus ...

... when the mobile communication apparatus determines that the source access router apparatus complies with Fast Mobile IP...sends information to the source access router for implementing a fast mobile IP procedure.

Claim 1 relates to a method where a mobile apparatus determines if a router apparatus is compatible with Fast Mobile IP or not. Specifically, if it is determined that the router is not compatible with Fast Mobile IP, then the home agent is instructed to buffer packets during a handoff process where the mobile apparatus is switching routers. However, if it is determined that the router is compatible with Fast Mobile IP, then the router is instructed to forward packets during the handoff process. Support for this feature at least found in Applicants' Figs. 1 and 8 and furthermore described on pages 27-32 of the specification. No new matter has been added.

On page 3 of the Official Action, the Examiner states that Figs. 1 and 12 as well as paragraphs [0054]-[0090] of Takusagawa suggests that the mobile device is able to determine if the access router (AR) complies with Fast Mobile IP. However, Applicants respectfully disagree.

As shown in Fig. 1 of Takusagawa, as the mobile node travels from the old network to the new network (i.e. handoff), the old AR performs fast mobile IP by forwarding packets from the corresponding node to the new AR (conventional Fast Mobile IP process). In another example shown in Fig. 12, however, as the mobile node moves from the old network to the new network (i.e. handoff), the diverging point router 13 (not the old AR) forwards the packets from the corresponding node to the new AR.

Thus, Takusagawa teaches one example where Fast Mobile IP is performed, and another example where Fast Mobile IP is not performed. However, Takusagawa does not disclose or suggest that the mobile node is able to determine if the old AR is able to perform fast mobile IP (just because Takusagawa's diverging point router 13 in Fig. 12 forwards the packets to the new Arm, does not mean that it was determined that the old AR was not compatible with Fast Mobile IP).

Applicants' claim 1 is different than the art of record, because a determination is made on whether a router is compatible with Fast Mobile IP or not. The mobile node then instructs either the home agent or the router during a handoff procedure ("*... determining by the mobile communication apparatus whether the source access router apparatus ... complies with fast mobile IP ... when the mobile communication apparatus determines that the source access router apparatus does not comply with the Fast Mobile IP ... instructs the home agent apparatus to forward data addressed to the mobile communication apparatus to the destination access router apparatus ... when the mobile communication apparatus determines that the source access router apparatus complies with Fast Mobile IP...sends information to the source access router for implementing a fast mobile IP procedure*").

As shown in at least Applicants' Figs. 1 and 8, and furthermore described on pages 27-32 of Applicants' specification, the mobile node has the ability to determine whether the source access router complies with Fast Mobile IP or not. Specifically, in a

first operating mode, when the mobile apparatus determines that access router 100c does not comply with Fast Mobile IP, the mobile apparatus instructs the home agent HA to forward the packets to the new destination access router apparatus 100d (the mobile node realizes that the source access router 100c does not have Fast Mobile IP capabilities).

In contrast, in a second operating mode, the mobile node determines that source access router 100c complies with Fast Mobile IP and therefore allows source access router 100c to forward packets to new destination access router 100d (the mobile node realizes that the source access router has Fast Mobile IP capabilities).

Dommety is relied upon for the mobile device requesting information about a destination access router via a home agent. Funato is relied upon for an operating mode where the mobile device sends information to the source access router via Fast Mobile IP. Dommety and Funato, however, do not make up for the deficiencies of Takusagawa. Accordingly, for the reasons set forth above, independent claim 1 is patentable over the art of record.

Independent claims 7, 14, 15, 16 and 34 include similar features to claim 1. Thus, independent claims 7, 14, 15, 16 and 34 are also patentable over the art of record for at least the reasons set forth above.

Dependent claims 18-20 include all the features of claim 16 from which they depend. Thus, claims 18-20 are also patentable over the art of record for at least the reasons set forth above.

On page 8, the Official Action rejects claims 2-5 and 17 under 35 U.S.C. §103(a) as being unpatentable over Takusagawa in view of Dommety in view of Funato and further in view of Kim (U.S. 7,116,654). Kim is relied upon for a home agent that stores information on an access router. Kim, however, does not make up for the deficiencies Takusagawa, Dommety and Funato discussed above with respect to claims 1 and 16. Thus, claims 2-5 and 17 are also patentable over the art of record for at least the reasons set forth above.

On page 10, the Official Action rejects claims 6, 8-10 and 21 under 35 U.S.C. §103(a) as unpatentable over Takusagawa in view of Dommety in view of Funato and further in view of Leung (U.S. 6,636,498). Leung is relied upon for a step wherein the home agent notifies the mobile node when the home agent can not acquire information on the access router. Leung, however, does not make up for the deficiencies of Takusagawa, Dommety and Funato discussed above with respect to claims 1 and 16. Thus, these claims are also patentable over the art of record for at least the reasons set forth above.

On page 14, the Official Action rejects claims 11, 30 and 31 under 35 U.S.C. §103(a) as unpatentable over Takusagawa, Dommety, Funato, Leung and Shimizu (U.S. 2002/0045450). Shimizu is relied upon for a home agent which buffers data. Shimizu, however, does not make up for the deficiencies of Takusagawa, Dommety Funato and Leung discussed above with respect to claim 1. Thus, these claims are also patentable over the art of record for at least the reasons set forth above.

On page 15, the Official Action rejects claims 12, 13 and 32 under 35 U.S.C. §103(a) as unpatentable over Takusagawa, Dommety, Funato, Leung, Shimizu and further in view of Okajima (U.S. 2004/0114554). Okajima is relied upon for suggesting a home agent which starts buffering data to the source access router. Okajima, however, does not make up for the deficiencies of Takusagawa, Dommety Funato, Leung and Shimizu discussed above with respect to claim 1. Thus, these claims are also patentable over the art of record for at least the reasons set forth above.

On page 17, the Official Action rejects claims 28-29 under 35 U.S.C. §103(a) as unpatentable over Kim in view of Funato and Leung. Kim is relied on for suggesting identifier tags of an access router. Funato is relied on for suggesting an access router which performs Fast Mobile IP. Leung is relied on for suggesting searching identifier tags stored within an access router. The combination of Kim, Funato and Leung does not disclose or suggest that the mobile device is capable of determining Fast Mobile IP compliance of the access router (features in claim 1 discussed above). Independent claim 28 includes similar features to claim 1. Thus, independent claim 28 and

dependent claim 29 are also patentable over the art of record for at least the reasons set forth above.

On page 19, the Official Action rejects claim 22 under 35 U.S.C. §103(a) as unpatentable over Takusagawa, Funato and Okajima. Takusagawa is relied on for suggesting a Fast Mobile IP mode. Funato is relied on for suggesting a message being sent to an access router for performing Fast Mobile IP. Okajima is relied on for suggesting a buffer for storing data addressed to the mobile device. The combination of Takusagawa, Funato and Okajima does not disclose or suggest that the mobile device is capable of determining Fast Mobile IP compliance of the access router (features in claim 1 discussed above). Independent claim 22 includes similar features to claim 1. Thus, independent claim 22 is also patentable over the art of record for at least the reasons set forth above.

On page 21, the Official Action rejects claim 23 under 35 U.S.C. §103(a) as unpatentable over Takusagawa, Funato, Okajima and Shimizu. As discussed above with respect to claim 22, Shimizu does not make up for the deficiencies of Takusagawa, Funato and Okajima. Thus, claim 23 is also patentable over the art of record for at least the reasons set forth above.

On page 22, the Official Action rejects claims 24-27 under 35 U.S.C. §103(a) as unpatentable over Takusagawa, Funato, Okajima and further in view of Leung. As discussed above with respect to claim 22, Leung does not make up for the deficiencies of Takusagawa, Funato and Okajima. Thus, claims 24-27 are also patentable over the art of record for at least the reasons set forth above.

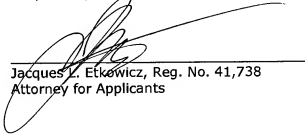
On page 24, the Official Action rejects claim 33 under 35 U.S.C. §103(a) as unpatentable over Takusagawa, Dommetty, Funato and further in view Shimizu. As discussed above with respect to claim 14, Shimizu does not make up for the deficiencies of Takusagawa, Dommetty and Funato. Thus, claim 33 is also patentable over the art of record for at least the reasons set forth above.

Application No.: 10/565,859
Amendment Dated: September 20, 2010
Reply to Office Action of: July 20, 2010

MAT-8809US

In view of the arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



Jacques L. Etkeowicz, Reg. No. 41,738
Attorney for Applicants

RAE/nm

Dated: September 20, 2010

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

997165